ILO social security standards

Kroum Markov (markov@ilo.org)

ILO
Outline of the course

1. The ILO, its Standards and their implementation

2. The human right to social security in international law

3. ILO’s mandate in social security and its standard-setting function

4. ILO social security standards: the normative basis of the ILO’s strategy for the extension of social security

5. What role can international social security standards play?
1. The ILO, its Standards and their implementation
**International Labour Standards (ILS)**

<table>
<thead>
<tr>
<th>Conventions</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ international treaties</td>
</tr>
<tr>
<td>✓ once ratified, they become legal binding</td>
</tr>
<tr>
<td>✓ even if not ratified they embody objectives to be achieved, and influence national legislation</td>
</tr>
<tr>
<td>✓ technical or promotional</td>
</tr>
<tr>
<td>✓ 189 conventions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recomendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ not open for ratification (may be subject to reporting)</td>
</tr>
<tr>
<td>✓ no binding force and usually accompany a Convention</td>
</tr>
<tr>
<td>✓ provide guiding principles, general or technical, that should be applied at the national level</td>
</tr>
<tr>
<td>✓ 204 recommendations</td>
</tr>
</tbody>
</table>
How do we ensure that international social security standards are effectively applied???
ILO SUPERVISORY SYSTEM OF ILS

Regular supervisory system

- A country that has ratified an ILO Convention is obliged to report regularly on measures it has taken to implement it according to Art 22 of the Constitution.

- Under Art. 19 of the Constitution, member States are required to report at regular intervals, on measures they have taken to give effect to any provision ILO standards (even non ratified Conventions).

Special procedures

- Right to present a specific action against a Member State.
And what happens when States do not fulfil their obligations?
Supervisory mechanisms & Technical assistance

International Labour Conference
Conference Committee on the Application of Conventions and Recommendations

Used by the different UN human rights monitoring mechanisms

Used by States to impose sanctions
2. The human right to social security in international law
Universal Human Rights

- Dignity
- Freedom
- Social Security
- Rule of Law
- Food
- Education
- Health
- Housing
- Work
- Equality
- Justice
Social Security – a Human Right

International instruments: Universal Declaration of Human Rights (1948)

Article 22: “Everyone as a member of society has the right to social security”
Social Security – a right upheld by way of international treaty

Article 9: “The State Parties to the present Covenant recognise the right of everyone to social security, including social insurance”
164 UN member States have committed themselves to guarantee the right to social security for everyone

Social Security – a right upheld by way of international treaty
Social Security – a Human Right

Other international instruments:

- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention on the Rights of the Child, 1989
- Convention on the Elimination of All Forms of Racial Discrimination, 1965
- The International Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990
- Convention on Rights of Persons with Disabilities, 2006
- Convention relating to the Status of Refugees, 1951 and Convention relating to the status of stateless persons, 1954
Regional Agreements

- Arab Charter on Human Rights, 2004
- American Declaration of the Rights and Duties of Persons, 1948
- European Social Charter, 1961
- Charter of Fundamental Rights of the European Union, 2000
3. The ILO’s mandate in social security and normative function in social security
Giving substance to the human right so social security

Human Rights

Benefits

Technical social security standards

Minimum set of parameters and principles
Nearly 100 years of standard-setting activities: 31 Conventions et 25 Recommandations

- **First Generation** 1919 – 1939
  - Social Insurance Era

- **Second Generation** 1944 – 1964
  - Social Security Era

- **Third Generation** 1964 – 1988

- **Fourth Generation** 2012
  - Universal Social Protection Era
Three Generations of Standards

C121  C128  C130  C168

I  II  III

Advanced Standards
Main principles established by international law
Guiding international principles

Overall and Primary Responsibility of the State

Universality
- Entitlement to benefit by law

Adequacy
- Predictability

Sustainability
- Transparent and accountable management

Diversity of methods and approaches

Solidarity through collective financing

Coordination across publics policies and institutions

Social inclusion

Inclusive participation

Progressive realization
A STARK REALISATION

Social Security is a Human Right

YET...

73% of the world’s population continues to live without adequate social protection coverage
2011 : International Labour Conference

Decision to initiate the procedure for the adoption of a new international standard on social protection floors
Forth Generation

Social Protection Floors Recommendation

II

C121 C128 C130 C168

III

IV

202
Milestones since the adoption of R202

- June 2012: G20 Leaders commit to establishing nationally-defined social protection floors
- March 2014: One-UN Social Protection Floors Country Teams
- Sept 2015: Adoption of the SDGs
  - Target 1.3 – No poverty
  - Target 3.8 – Good Health and Well-Being
  - Target 5.4 – Gender Equality
  - Target 8.5 – Decent Work and Economic Growth
  - Target 10.4 - Reduced inequalities
- Nov 2015: Universal Social Protection Initiative (initially World Bank and ILO, now more partners) – 21 Sep 2016 NY
4. ILO social security standards: *the normative basis of the ILO’s strategy for the extension of social to all*
ILO main social security standards

Employment Injury Benefits Convention, 1964 (No. 121)

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

Medical Care and Sickness Benefits Convention, 1969 (No. 130)

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Maintenance of Social Security Rights Convention, 1982 (No. 157)

C.102 Social Security (Minimum Standards) Convention, 1952

R202 Social protection floors Recommendation, 2012
Effective national social security extension strategies: building comprehensive systems (Normative basis: Recommendation No. 202)

Vertical dimension: progressively ensuring higher levels of protection guided by C.102 and more advanced standards.

Horizontal dimension:
Guaranteeing access to essential health care and minimum income security for all guided by R.202.
Effective national social security extension strategies: building comprehensive systems
(Normative basis: Recommendation No. 202)

**Vertical dimension:** progressively ensuring higher levels of protection guided by C.102 and more advanced standards

**Horizontal dimension:** Guaranteeing access to essential health care and minimum income security for all guided by R.202

**Level of protection**
- low
- high

**Floor level**
- individual/household income

**Convention and Recommendations**
- Employment Injury Benefits Convention, 1964 (No. 121)
- Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128)
- Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
- Maintenance of Social Security Rights Convention, 1982 (No. 157)

**R202 Social protection floors Recommendation, 2012**
Horizontal dimension
National SPF:
At least four nationally-defined guarantees

The social protection floors should comprise at least the following basic social security guarantees: (para. 5)

- access to a set of goods and services constituting essential health care including maternity care
- basic income security for children
- basic income security for persons in active age unable to earn sufficient income
- basic income security for persons in old age

Subject to their existing international obligations, Members should provide these basic social guarantees to at least all residents and children, as defined in national laws and regulations. (para. 6)
Who should be covered?

- At least all residents and all children – throughout the life cycle, subject to countries’ existing international obligations

- Apply the principle of universality of protection, as an objective, with that of progressive realization for reaching it
Universal social protection for human dignity, social justice and sustainable development
WHY?
Protection against which risks?

WHEN?
Qualifying conditions for benefits

WHO?
Minimum number of persons protected?

FOR HOW LONG?
Minimum duration of benefit

HOW MUCH?
Minimum level of benefits

5 core parameters...
C.102 includes multiple flexibility clauses to allow as many countries as possible to fulfill its provisions and progressively extend their system towards comprehensive coverage.

- Ratification «à la carte»;
- Preferential conditions for developing countries;
- Flexibility that allows any system to comply.
Question: Is your country a state party to Convention No.102?
Ratification of Convention No.102
RATIFICATION TOOLKIT
ILO social security conventions

- Discover ILO standards & why ratifying them is important
- Test your knowledge of Convention No. 102
- How to ratify?
- Status of ratification of ILO standards
- Explore other useful resources
Take the quiz on Convention No. 102
How should national social security systems, including SPF's be implemented?
National social security extension strategies: Formulation and implementation

- set objectives reflecting national priorities
- identify gaps in, and barriers to, protection
- seek to close gaps in protection through appropriate and effectively coordinated schemes
- specify financial requirements and resources, time frame and sequencing for the progressive achievement of the objectives

support disadvantaged groups and people with special needs

support growth of formal employment and the reduction of informality

consistent with and conducive to the implementation of national social and economic development plans
Pluralism of approaches…

Most effective and efficient combination of benefits and schemes in national context

- Social assistance
- Social insurance
- Universal schemes
- Others

Nationally guaranteed outcomes

Outcomes can be guaranteed through different means – including benefits in cash and in kind, transfers and services – there is no one-size-fits-all
Comprehensive social security systems

- **C102**
- **R202**
- **Advanced Standards**
5. What role can international social security standards play?
A tool for the progressive establishment and maintenance of comprehensive social security systems

providing framework for national social protection policies in close coordination with economic, employment and other social policies

A tool for policy and legal action anchoring social security in a sound legal framework

Building sustainable institutional structures in accordance with good governance principles
A path to decent work, strategy for reducing poverty and contribution to the realization of SDGs

giving effect to the human right to social security by ensuring that its core content is, at the minimum, achieved, thus increasing States’ compliance with their obligations under other international and regional conventions and treaties

Social and economic stabilizers in times of crisis
THANK YOU!